

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

F.L.B., a minor, by and through his Next
Friend, Casey Trupin, et al.,

Plaintiffs,

v.

LORETTA E. LYNCH, Attorney General,
United States, et al.,

Defendants.

No. 2:14-cv-01026

DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR LEAVE
TO FILE A THIRD AMENDED
COMPLAINT

NOTE ON MOTION CALENDAR:
November 6, 2015

**DEFENDANTS' RESPONSE TO MOTION FOR LEAVE TO FILE THIRD
AMENDED COMPLAINT**

Defendants do not oppose Plaintiffs' Motion for Leave to File a Third Amended Complaint, ECF No. 190. Defendants' non-opposition is not intended as a waiver of any argument regarding the legal viability of any of Plaintiffs' proposed amendments. Defendants instead plan to file a motion to dismiss the new claims and parties added in the Third Amended Complaint if and when the Court grants Plaintiffs leave to amend.¹

¹ As an example, Defendants note, the Third Amended Complaint improperly adds U.S. Citizenship and Immigration Services ("USCIS") as a Defendant, even though Plaintiffs have

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2 DATED: November 2, 2015

3 Respectfully Submitted,

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5 Principal Deputy Assistant
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7 LEON FRESCO
8 Deputy Assistant Attorney General

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10 Director, District Court Section
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14 s/ Joseph A. Darrow
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not alleged that USCIS violated any of the Plaintiffs' statutory or constitutional rights or even owes any duty whatsoever to the Plaintiffs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of November 2, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record.

s/ Joseph A. Darrow

JOSEPH A. DARROW

Trial Attorney

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